

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL KWABENA APPIAH,

Plaintiff,

-against-

NICOLE CHULICK, *Deputy Chief of Mission,
U.S. Embassy in Ghana*, and ANTONY
BLINKEN, *Secretary of the U.S. Department
of State*,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/21/2023

22-cv-10936 (MKV)

ORDER


MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action seeking to compel the U.S. State Department to adjudicate his wife's visa application [ECF No. 1]. The government requested two lengthy extensions of time to respond to the complaint, and the Court granted both requests [ECF Nos. 8, 9, 10, 11]. Then, on July 7, 2023, the government filed a motion to dismiss without first filing a pre-motion letter, as required by Rule 4 of the Court's Individual Rules of Practice in Civil Cases, or otherwise obtaining leave of the Court [ECF Nos. 12]. Thereafter, Plaintiff requested an extension of time to respond to the government's motion to dismiss [ECF No. 15].

Rule 4(A)(i) of the Court's Individual Rules states that "[p]arties wishing to file a motion to dismiss . . . should, prior to filing any motion, request a pre-motion conference with the Court." As noted above, the government did not follow this procedure. Accordingly, its motion to dismiss is DENIED, without prejudice to later renewal, for failure to comply with the Court's Individual Rules. And, as such, Plaintiff's request for an extension of time to respond to the motion to dismiss is denied as moot. The clerk of Court is respectfully requested to terminate docket entries 12 and 15.

SO ORDERED.

**Date: July 21, 2023
New York, NY**


MARY KAY VYSKOCIL
United States District Judge